

1. The Examiner made a finding that the broken lines in the formula of claim 1 are not defined. However, in the specification at page 32, line 3, the dashed lines are defined as representing "a single or double bond." The definiteness of claim language must be analyzed, not in a vacuum as the Examiner appears to have done, but always in light of the teachings of the prior art and of the particular application disclosure as it would be interpreted by one possessing the ordinary level of skill in the pertinent art. *In re Moore*, 439 F.2d 1232, 1235, 169 USPQ 236, 238 (CCPA 1971). As interpreted in light of the disclosure, a person having ordinary skill in the art would have understood the scope of the broken lines in the formula as defined in the specification. Accordingly, it is respectfully requested that the rejection be reconsidered and withdrawn.

2. The Examiner made a finding that the formula is indefinite because if the broken line from the nitrogen atom is a double bond, this would give the nitrogen a valance of 4 and no charge. The claim has been amended to provide for two alternative formulas, both with trivalent nitrogen atoms, one with a single bond and the other with a double bond. Support for the amendment can be found in compounds illustrated on pages 37 and in Tables 1, 2 and 3 on pages 60-63 of the specification. It is believed that by this amendment, the rejection is overcome.

3. The Examiner made a finding that the "choices of N-OH, sulfonyl and sulfinyl are all defective" because R is monovalent and the aforementioned groups are divalent. In order to expedite the prosecution of the application, "N-OH" and "sulfinyl" have been deleted without prejudice or disclaimer. However, the term "sulfonyl" is defined on page 31 of the specification as representing $\text{-SO}_2\text{-}$ such as $\text{alkyl-SO}_2\text{-}$. This is a monvalent radical. Other examples of the monovalent radical disclosed in the specification can be found at page 14, line 7; page 15, line 29

to page 16, line 6; page 18, line 8; page 19, lines 15 and 16; and page 26, lines 1 and 2. All of these examples are monovalent radicals. As for the term "sulfinyl", it is well known in the art that it is a divalent radical --SO-- . The specification discloses numerous examples of monovalent sulfinyl radicals. See page 14, line 6; page 18, lines 7 and 8; page 19, lines 14 and 15; page 26, lines 1 and 2. A person having ordinary skill in the art having read the specification would have understood the scope of the terms "sulfonyl" and "sulfinyl" in light of the specification and therefore the scope of the claims. If the Examiner is objecting to the terms because they are too broad, it is well settled that breadth is not indefiniteness. *In re Conley*, 490 F.2d 972, 975, 180 USPQ 454, 456 (CCPA 1974); *In re Gardner*, 427 F.2d 786, 788, 166 USPQ 138, 140 (CCPA 1970). For all of the foregoing reasons, it is respectfully requested that the rejection be reconsidered and withdrawn.

4. The Examiner objected to the terms phosphino and phosphinyl since they have more than one valence. These terms are known in the art and are known to be monovalent. The phosphino is $\text{H}_2\text{P--}$ and phosphinyl is $\text{H}_2\text{P(O)--}$. See attached Exhibit B which is a copy of page 2-24 from the *CRC Handbook of Chemistry and Physics*, CRC Press (1995) showing formulae for phosphino and phosphinyl. Accordingly, it is respectfully requested that the rejection be reconsidered and withdrawn.

5. The Examiner has objected to the term "sulfeno" since it has more than one valence. This term is known in the art to be HOS-- which is monovalent. See the attached Exhibit B, page 2-24 from the *CRC Handbook of Chemistry and Physics*, CRC Press (1995). Accordingly, it is respectfully requested that the rejection be reconsidered and withdrawn.

6. The Examiner made a finding that the term "acyl" is indefinite. The term is defined at page 12 of the specification as follows:

"Acyl," as used herein, denotes a radical provided by the residue after removal of hydroxyl from an organic acid. Examples of such acyl radicals include, without limitation, alkanoyl and aroyl radicals. Examples of lower alkanoyl radicals include, without limitation, formyl, acetyl, propionyl, butyryl, isobutyryl, valeryl, isovaleryl, pivaloyl, hexanoyl, trifluoroacetyl.

The definiteness of claim language must be analyzed, not in a vacuum as the Examiner appears to have done, but always in light of the teachings of the prior art and of the particular application disclosure as it would be interpreted by one possessing the ordinary level of skill in the pertinent art. *In re Moore, supra*. As interpreted in light of the disclosure, a person having ordinary skill in the art would have understood the meaning of "acyl" and the scope of the claims. If the Examiner is objecting to the term because it is too broad, it is well settled that breadth is not indefiniteness. *In re Conley, supra; In re Gardner, supra*. Accordingly, it is respectfully requested that the rejection be reconsidered and withdrawn.

7. The Examiner has objected to the term "thio" as being indefinite. The ordinary meaning of the term is a "prefix used in chemical nomenclature to indicate the presence of sulfur in a compound ..." See attached Exhibit C, which is a copy of page 1099 of *Hawley's Condensed Chemical Dictionary*, 13th Edition, John Wiley & Sons, Inc (1997). Based on the ordinary and plain meaning of the term, a person having ordinary skill in the art would have understood the scope of the broken lines in the formula. If the Examiner is objecting to the term because it is too broad, it is well settled that breadth is not indefiniteness. *In re Conley, supra; In re Gardner, supra*. Accordingly, it is respectfully requested that the rejection be reconsidered and withdrawn.

8. The Examiner objected to the term "phospho" as "being clearly in error" in that "[p]hospho is a prefix denoting the presence of the element P in some form, e.g., phospholipid." The ordinary and plain meaning of the term "phospho" is O_2P- as evidenced by page 2-24 from the *CRC Handbook of Chemistry and Physics*, CRC Press (1995). See Exhibit B. Accordingly, the term has a definite meaning to a person having ordinary skill in the art and, for this reason, it is respectfully requested that the rejection be reconsidered and withdrawn.

9. The Examiner made a finding that the substituents " $C_{(1-20)}$ cycloalkyl" and " $C_{(1-20)}$ cyclo-alkenyl" are not possible if $C = 1$. Claim 1 has been amended to change " $C_{(1-20)}$ " to -- $C_{(3-12)}$ --. This amendment is supported in the specification at page 20, lines 11-21 under the definitions of "cycloalkyl" and "cycloalkenyl." By this amendment, it is believed that the rejection is overcome.

10. The Examiner made a finding that the term "heterocyclic" is indefinite. The term is defined in the specification at page 22, line 12 to page 26, line 10. A person having ordinary skill in the art reading the specification would have understood the meaning of the term heterocycle from the specification, and therefore would have understood the scope of the claims. The definiteness of claim language must be analyzed, not in a vacuum, but always in light of the teachings of the prior art and of the particular application disclosure as it would be interpreted by one possessing the ordinary level of skill in the pertinent art. *In re Moore, supra*. If the Examiner is objecting to the term because it is too broad, it is well settled that breadth is not indefiniteness. *In re Conley, supra*; *In re Gardner, supra*. For the foregoing reasons, it is respectfully requested that the rejection be reconsidered and withdrawn.

11. The Examiner made a finding that the term "C₍₁₋₂₀₎aminotrialkoxyamino" is unclear because the nitrogen is not trivalent, but pentavalent. In order to expedite prosecution, the term has been deleted from claim 1 without prejudice or disclaimer. Accordingly, by this amendment, it is believed that the rejection is overcome.

12. The Examiner considers the terms "C₍₁₋₂₀₎alkylamino" to be equivalent in scope to "–NR_aR_b." To expedite prosecution, the term "C₍₁₋₂₀₎alkylamino" has been deleted without prejudice or disclaimer. Accordingly, by this amendment, it is believed that the rejection is overcome.

13. The Examiner finds the term "substituted" to be indefinite. The term is defined in the specification at page 29, lines 15-31. In addition, "substituted, alkyl," substituted alkenyl," substituted alkynyl" and "substituted phenyl" are defined at page 29, line 32 to page 31, line 16 of the specification. The Examiner has not explained why a person having ordinary skill in the art after reading the specification and the definitions set forth therein would not have understood the scope of the claims with the term "substituted." If the Examiner is objecting to the term because it is too broad, it is well settled that breadth is not indefiniteness. *In re Conley, supra*; *In re Gardner, supra*. For the foregoing reasons, it is respectfully requested that the rejection be reconsidered and withdrawn.

14. The Examiner does not find in claim 34 antecedent basis for the term "disease". Claims 34 has been made dependent on claim 33 in which the term "disease" can be found. In view of the aforementioned amendment, it is believed that the rejection is overcome.

15. The Examiner made a finding that the term "amido" is indefinite. The meaning of the term is supported in the specification and would be understood by a person having

ordinary skill in the art. The specification defines "alkylaminocarbonyl" as "an aminocarbonyl group which has been substituted with one or two alkyl radicals on the amino nitrogen atom" while "alkylcarbonylamino" has been defined as amino groups which are substituted with an alkyl carbonyl radical. If the Examiner is specifically objecting to the terms "C₍₁₋₁₀₎alkylamido," "C₍₁₋₁₀₎alkylamidoalkyl," "C₍₁₋₁₀₎amidoalkyl," "C₍₁₋₂₀₎alkylamido," "C₍₁₋₂₀₎alkylamidoalkyl" and "C₍₁₋₂₀₎amidoalkyl," these terms are supported by the above definitions. A person having ordinary skill in the art would have understood the scope of the claims. For the foregoing reasons, it is respectfully requested that the rejection be reconsidered and withdrawn.

16. According to the Examiner, the terms "naphthylenyl," "norboranyl," "pyrenyl" and "phenyl" in claim 6 and asserts that they are not heterocyclic groups, and therefore, are improperly grouped in claim 6. The claim has been amended to delete these terms. It is believed that by this amendment, the rejection is overcome.

17. Claim 1 has been objected to because it includes periods in the middle of the claim. This informality has been corrected by amendment. It is believed that by this amendment, the rejection is overcome.

18. The Examiner objected to the terms "C₍₁₋₂₀₎alkoxyalkyl" and "C₍₁₋₂₀₎dialkoxyalkyl" as being indefinite. These terms would have been understood by a person having ordinary skill in the art. For example, an alkoxyalkyl is represented by $-\text{CH}_2(\text{OCH}_3)$ while a dialkoxyalkyl is $-\text{CH}(\text{OCH}_3)_2$. The terms would have been definite and unambiguous to a person having ordinary skill in the art. Accordingly, it is respectfully requested that the rejection be reconsidered and withdrawn.

19. The Examiner asserted that claim 3 is improperly dependent on claim 1 because there is no antecedent basis for haloalkyl and alkoxyalkyl groups. Claim 1 has been amended to include these groups. Support for the terms "haloalkyl" and "alkoxyalkyl" can be found at page 17, lines 1-4 and at page 21, lines 9-20 of the specification. It is believed that by this amendment, the rejection is overcome.

20. The Examiner asserted that claims 4-7 are improperly dependent on claim 1 because the claim does not state "substituted alkyl and substituted alkyl amino." In order to expedite prosecution and to overcome this rejection, new claim 37 has been presented and claim 4 has been amended to be dependent on new claim 37. The new claim sets forth that R₂ and R₃ as including "unsubstituted and substituted" members as those defined in claims 4-7. Support for the new claim can be found at page 31, line 29 to page 33, line 5 of the specification. It is believed that by this amendment, the rejection is overcome.

21. The Examiner made a finding that the last term in claim 7 is misspelled. The last term is "tricyclododecanyl." The spelling appears to be correct. The Examiner is respectfully requested to reconsider and withdraw the rejection.

22. The Examiner asserted that "benzamidyl" is not a carbocycle. The term "carbocycle" is defined on page 19 of the specification and is intended to mean "any stable 3 to 7 membered monocyclic ... carbon ring, ... which may be saturated, partially unsaturated, or aromatic." Benzamidyl comprises 6 carbon which is aromatic. Therefore, it is, by definition, a "carbocycle." It is respectfully requested that the rejection be reconsidered and withdrawn.

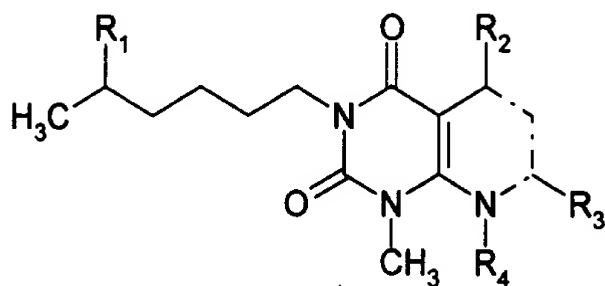
23. The Examiner asserted that claim 19 is "garbled" in that "the second (last) step is an analytical or diagnostic step." The last step is not "garbled" and means what it says:

EXHIBIT A

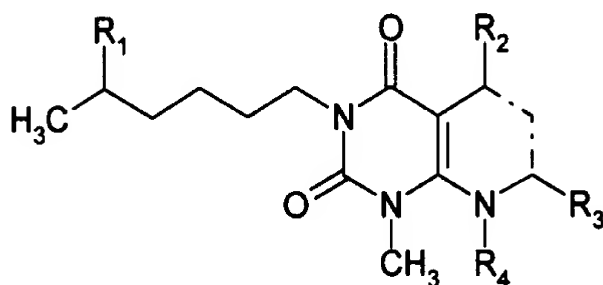
VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. A therapeutic compound, including resolved enantiomers, diastereomers, tautomers, salts and solvates thereof, having one of the following [formula] formulae:

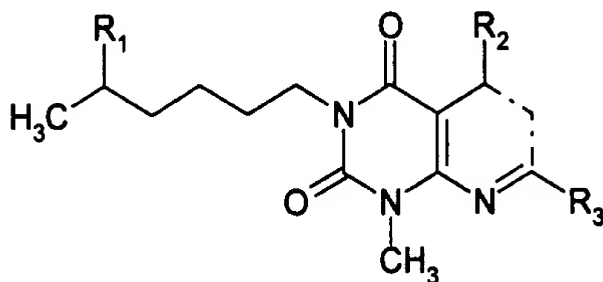
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]



or



wherein:

R₁ is selected from a member of the group consisting of hydrogen, hydroxyl, methoxyl, [N-OH,] acylamino group, cyano group, sulfo, sulfonyl, sulfinyl, sulfhydryl (mercapto), sulfeno, sulfanilyl, sulfamyl, sulfamino, and phosphino, phosphinyl, phospho, phosphono and -NR_aR_b, wherein each of R_a and R_b may be the same or different and each is selected from the group consisting of hydrogen and optionally substituted: C₍₁₋₂₀₎alkyl, [C₍₁₋₂₀₎cycloalkyl] C₍₃₋₁₂₎cycloalkyl, C₍₁₋₂₀₎alkenyl, [C₍₁₋₂₀₎cycloalkenyl] C₍₃₋₁₂₎cycloalkenyl, C₍₁₋₂₀₎alkynyl, aryl, heteroaryl, and heterocyclic group[.];

R₂ and R₃ are independently selected from a member of the group consisting of halo, thio, oxo, haloalkyl, alkoxyalkyl, C₍₁₋₂₀₎alkyl, C₍₁₋₂₀₎hydroxyalkyl, C₍₁₋₂₀₎ thioalkyl, C₍₁₋₂₀₎alkylthio, [C₍₁₋₂₀₎alkylamino,] C₍₁₋₂₀₎alkylaminoalkyl, C₍₁₋₂₀₎aminoalkyl, C₍₁₋₂₀₎aminoalkoxyalkenyl, C₍₁₋₂₀₎aminoalkoxyalkynyl, C₍₁₋₂₀₎diaminoalkyl, C₍₁₋₂₀₎triaminoalkyl, C₍₁₋₂₀₎tetraaminoalkyl, [C₍₁₋₂₀₎aminotrialkoxyamino,] C₍₁₋₂₀₎alkylamido, C₍₁₋₂₀₎alkylamidoalkyl, C₍₁₋₂₀₎amidoalkyl, C₍₁₋₂₀₎acetamidoalkyl, C₍₁₋₂₀₎alkenyl, C₍₁₋₂₀₎alkynyl, C₍₁₋₂₀₎alkoxyl, C₍₁₋₂₀₎alkoxyalkyl, C₍₁₋₂₀₎dialkoxyalkyl, and -NR_aR_b[.]; and

R₄ may be hydrogen or an optionally substituted member of the group consisting of C₍₁₋₂₀₎alkyl, [C₍₁₋₂₀₎cycloalkyl] C₍₃₋₁₂₎cycloalkyl, C₍₁₋₂₀₎alkenyl, [C₍₁₋₂₀₎cycloalkenyl] C₍₃₋₁₂₎cycloalkenyl, C₍₁₋₂₀₎alkynyl, aryl, heteroaryl, and heterocyclic group.

4. (Amended) The therapeutic compound of claim [1] 37, wherein each of R₂ and R₃ is substituted with one or more members of the group consisting of hydroxyl, methyl, carboxyl, furyl, furfuryl, biotinyl, phenyl, naphthyl, amino group, amido group, carbamoyl group, cyano group, sulfo, sulfonyl, sulfinyl, sulfhydryl, sulfeno, sulfanilyl, sulfamyl, sulfamino, phosphino, phosphinyl, phospho, phosphono, N-OH, -Si(CH₃)₃, C₍₁₋₃₎alkyl, [C₍₁₋₃₎hydroxyalkyl, C₍₁₋₃₎thioalkyl, C₍₁₋₃₎alkylamino] C₍₁₋₃₎hydroxyalkyl, C₍₁₋₃₎thioalkyl, C₍₁₋₃₎alkylamino, benzyldihydrocinnamoyl group, benzoyldihydrocinnamido group, optionally substituted heterocyclic group and optionally substituted carbocyclic group.

6. (Amended) The therapeutic compound of claim 4, wherein the heterocyclic group is a member selected from the group consisting of acridinyl, aziridinyl, azocinyl, azepinyl, benzimidazolyl, benzodioxolanyl, benzofuranyl, benzothiophenyl, carbazole, 4a H-carbazole, chromanyl, chromenyl, cinnolinyl, decahydroquinolinyl, dioxoindolyl, furazanyl, furyl, furfuryl, imidazolidinyl, imidazolyl, imidazolyl, 1H-indazolyl, indolenyl, indolinyl, indoliziny, indolyl, 3H-indolyl, isobenzofuranyl, isochromanyl, isoindolinyl, isoindolyl, isoquinolinyl, isothiazolyl, isoxazolyl, morpholinyl, [naphthalenyl,] naphthyridinyl, [norboranyl,] norpinanyl, octahydroisoquinolinyl, oxazolidinyl, oxazolyl, oxiranyl, perimidinyl, phenanthridinyl, phenanthrolinyl, phenarsazinyl, phenazinyl, phenothiazinyl, phenoxathiinyl, phenoxazinyl, [phenyl,] phthalazinyl, piperazinyl, piperidinyl, 4-pipendonyl, piperidyl, pteridinyl, purinyl, pyranyl, pyrazinyl, pyrazolidinyl, pyrazolinyl, pyrazolyl, [pyrenyl,] pyridazinyl, pyndinyl, pyridyl, pyndyl, pyrimidinyl, pyrrolidinyl, 2-pyrrolidonyl, pyrrolonyl, pyrrolyl, 2H-pyrrolyl, quinazolinyl, 4H-quinoliziny, quinolinyl, quinoxaliny, quinuclidinyl, β -carbolinyl, tetrahydrofuranyl, tetrahydroisoquinolinyl, tetrahydroquinolinyl, tetrazolyl, 6H-1,2,5-thiadiazinyl, ~~2H-,6H-1,5,2-dithiazinyl~~, thianthrenyl, thiazolyl, thienyl, thiophenyl, triazinyl, xanthenyl and xanthinyl.

19. A method for inhibiting [a cellular process or] an activity mediated by a cytokine, the method comprising:

- (a) contacting cytokine responsive cells with a compound as defined in claim 1; and
- (b) determining that the cellular process or activity mediated by the cytokine is inhibited.

34. (Amended) The method of claim 33 [32], wherein said disease is asthma.

36. (Amended) A method for [preventing or] treating NIDDM comprising a step of administering to a subject in need of such treatment a therapeutically effective amount of a compound of claim 1.

"determining that the cellular process or activity mediated by the cytokine is inhibited." The Examiner has not established that a person skilled in the art would not have understood the scope of the claim with this step. Accordingly, it is respectfully requested that the rejection be reconsidered and withdrawn.

24. The Examiner made a finding that the phrase "or an activity mediated by cytokine" is an "unclear function." According to the Examiner, "[a]ll processes mediated by cytokines are cellular processes, and hence it is already covered by the material before the 'or'." The entire phrase is "[a] method for inhibiting a cellular process or an activity mediated by cytokine" In order to expedite prosecution, claim 19 has been amended to delete "a cellular process or." Accordingly, it is respectfully requested that the rejection be reconsidered and withdrawn.

For all of the foregoing reasons, it is respectfully requested that the rejection of claims 1-7 and 18-36 under 35 U.S.C. § 112, second paragraph, be reconsidered and withdrawn.

Claims 19-27 stand rejected under 35 U.S.C. § 112, first paragraph, as "containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention." According to the Examiner, "[t]he scope of 'activity mediated by cytokine' cannot be deemed enabled." The Office Action presents a long dissertation of what the Examiner believes cytokines represent. The dissertation is not supported by any evidence. A variety of examples of compounds within the scope of the invention are described at pages 46-59 of the specification. The compounds are clearly enabled by the data show in Tables 1 to 3 of the specification on pages 60-63 of the specification which shows that effect of the compounds on IL-4 and IL-12

signaling. The compounds of the examples in the specification are intended to be representative of the invention. A patent specification is not intended to be a blue print, but a disclosure to provide a person having ordinary skill in the art with sufficient information to practice and use the invention without undue experimentation. A person having ordinary skill in the art reading the present application would be able to practice the invention in light of examples. The Examiner has not presented any reasoned analysis in light of the disclosure and examples that would establish that undue experimentation would be required for one skilled in the art to practice the invention. For these reasons, it is respectfully requested that the rejection be reconsidered and withdrawn.

Claims 1-36 stand rejected under 35 U.S.C. § 112, first paragraph, as being non-enabling for "solvates." According to the Examiner,

[t]here are many examples. But the numerous examples presented all failed to produce a solvate." These cannot be simply willed into existence. As was stated in *Morton International Inc. v. Cardinal Chemical Co.*, 28 USPQ2d 1190 "The specification purports to teach, with over fifty examples, the preparation of the claimed compounds with the required connectivity. However ... there is no evidence that such compounds exist ... the examples of the '881 patent do not produce the postulated compounds ... there is ... evidence that such compounds exist. [Emphasis in the original.]

The decision in the *Morton* case is based on its own facts. The facts in this case are not the same as those in *Morton*. The formation of a solvate is within the skill of a person having ordinary skill in the art. Exhibit D is a copy of pages 250-258 a standard college organic chemistry textbook by Morrison and Boyd which teaches solvating and what it means. The formation of a solvate, just as the formation of a salt, as claimed would have been understood by a person having ordinary skill in the art and the procedures are known and understood in the art and can

be accomplished without undue experimentation. There is no necessity for providing a detailed disclosure in the specification of how to conventionally form a solvate. For the foregoing reasons, it is respectfully requested that the rejection be reconsidered and withdrawn.

Claims 10, 11, 14, 15 and 17 stand rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. According to the Examiner, "[t]hese compounds do not fall within the scope of the page 8 formula, to which the utility is attached." The Examiner notes that "R4, even if H, is required to be present" and that the "species of these claims are not tautomers of the page 8 formula." Applicant's respectfully traverse this rejection.

The compounds recited in the claims are described and disclosed in the specification. The synthesis of the compound set forth in claim 10 is described in Example 3. The synthesis of the compound set forth in claim 11 is described in Example 4. The synthesis of the compound set forth in claim 14 is described in Example 7. The synthesis of the compound set forth in claim 15 is described in Example 8. The synthesis of the compound set forth in claim 17 is described in Example 10. The Examiner has not presented any rationale showing why the examples in the specification are not enabling as to the claimed compounds. As for the utility of the claimed compounds, the compounds claimed are presented as independent claims, and therefore, stand alone. The disclosed utility of the compounds of the invention is to inhibit cytokine signaling activity. Utility is shown in Tables 1 and 2 on pages 60 and 61 of the specification for the compound of claim 14 in that the Tables compares the effect of compounds prepared by Examples 1, 2, 6 and 7 on IL-4 and IL-12 signaling activity. Utility for the compound of claims

10, 11, 14, 15 and 17 is demonstrated on pages 61-63 of the specification where these compounds are assayed to screen for compounds that perturb IL-12 signaling. According to the specification, the assay "measures the biological effects of compounds on IL-12 signaling during the differentiation of T1 responses rather than the outcome of differentiation, as measured using a T1 Differentiation Assay." The assay is described on page 62 of the specification. Therefore, the claimed compounds set forth in claims 10, 11, 14, 15 and 17 satisfy the requirement of 35 U.S.C. § 112, first paragraph, with respect to utility in that the function as inhibiting cellular process or activity mediated by cytokines. For the foregoing reasons, it is respectfully requested that the rejection of claims 10, 11, 14, 15 and 17 under 35 U.S.C. § 112, first paragraph, be reconsidered and withdrawn.

Claim 36 stands rejected under 35 U.S.C. 112, first paragraph, because "the specification, while being enabling for treatment, does not reasonably provide enablement for prevention." According to the Examiner, the "specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims." The Examiner asserts that "[p]reventing a person from having NIDDM in the first place is beyond the scope of medicine." Claim 36 has been amended to recited "treating" only. It is believed that by this amendment, the rejection is overcome. It is respectfully requested that the rejection of claim 36 be reconsidered and withdrawn.

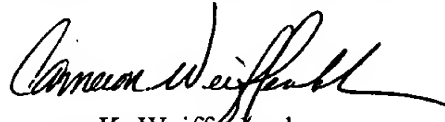
For the foregoing reasons, it is submitted that the claims 1, 2 and 4-37 are believed to be patentable and satisfy the requirements of 35 U.S.C. § 112, first and second paragraphs. Accordingly, favorable reconsideration of the claims is requested in light of the preceding amendments and remarks, and allowance of the claims is courteously solicited.

Application No. 09/859,503

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT, WILL & EMERY

A handwritten signature in black ink, appearing to read "Cameron K. Weiffenbach", written over a horizontal line.

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